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January 22, 2013

VIA ELECTRONIC FILING & E-MAIL

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Lester A. Heltzer Executive Secretary National Labor Relations Board 1009 14th Street N.W., Room 11602 Washington, D.C. 20570

Re:

The Fairfax at Embassy Row Case No. 5-RC-095207

Dear Mr. Heltzer:

This firm is counsel to The Fairfax at Embassy Row in the above-captioned matter. Pursuant to Section 102.67(k)(3) of the NLRB Rules and Regulations, we hereby request an extension of time to file a request for review of the Regional Director's Decision and Direction of Election issued in this Case on January 18, 2013 at 4:20 pm. The petition seeks to represent a unit of six (6) employees. The Regional Director found that the record was insufficient to determine the supervisory status of a particular employee, and that such employee shall vote under challenge.

The request for review is currently due on February 1, 2013. We did not receive the Decision until January 21, 2013, a federal holiday when our office was closed. I am scheduled to argue Case No. 5-CA-036043 before the Fourth Circuit on January 31, 2013, and have collective bargaining scheduled for January 24. The matter concerns complicated issues regarding whether an engineering supervisor is a statutory supervisor under the National Labor Relations Act. The Director's finding that the record was insufficient to allow a determination of the Engineering Supervisor's supervisory status raises new complex questions requiring careful review and analysis.

For the foregoing reasons, and in accordance with Section 102.67(k)(3) of the NLRB Rules and Regulations, we respectfully request an extension of twelve (12) days, to February 13, 2013, to submit the request for review. A copy of this request has been served on the Regional Director and on the Petitioner by electronic mail.

VIA FACSIMILE AND FEDERAL EXPRESS

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Thank you in advance for your consideration.

Respectfully submitted,

Hard Rosenticing/OW Paul Rosenberg

cc: Jay P. Krupin, Esq.

Eamon Clifford - IUOE Local 99

Wayne Gold - National Labor Relations Board - Region 5